

JS-6

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

BTL INDUSTRIES, INC.,

Plaintiff,

v.

OC Body Clinic, et al.

Defendants.

Case No. 8:25-cv-01102-JVS-E
Hon. James V. Selna

**CONSENT JUDGMENT AND
PERMANENT INJUNCTION [18]**

The Court, having considered the request of Plaintiff BTL Industries, Inc. (“BTL”) to enter the following relief, and such relief appearing reasonable under the circumstances,

The Court finds as follows:

1 1. On May 22, 2025, BTL filed Civil Action No. 8:25-cv-01102-JVS-E in
2 the United States District Court for the District of California.

3
4 2. BTL brought this action seeking injunctive relief and monetary damages
5 against Defendant (together with BTL, the “Parties”) for patent infringement in
6 violation of the patent laws of the United States (35 U.S.C. § 1 *et seq.*); and trademark
7 infringement, trademark counterfeiting, unfair competition, false designation of
8 origin, and false advertising under the Lanham Act (15 U.S.C. §§ 1114 and 1125(a)).

9
10 3. The Parties have agreed to terms and conditions representing a
11 negotiated resolution of the above-captioned matter. Defendant now stipulates and
12 consents to this Consent Judgment and Permanent Injunction, to its prompt entry by
13 the Court, and to each and every provision, order, and decree herein.

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15 4. This Court has jurisdiction over the subject matter of this case and
16 jurisdiction over Defendant.

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18 5. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b).

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20 6. BTL uses, owns, and exclusively licenses registered and unregistered
21 trademarks and trade dress for its brand of aesthetic equipment and treatments,
22 including the following valid and subsisting federally registered trademarks
23 (collectively, the “BTL Trademarks”):

Reg. No.	Mark	Reg. Date	First Use in Commerce or Priority Date	Goods / Services
5,688,619	HIFEM	Mar. 5, 2019	Sept. 19, 2017	Class 10: Medical and aesthetic apparatus and instruments generating electromagnetic, magnetic, electrical, mechanical, radiofrequency or thermal energy for use in skin treatment procedures; medical apparatus and instruments for body toning and body shaping; medical apparatus and instruments for the removal of fat, circumference reduction, tightening of skin, reduction of wrinkles, reduction of scars, reduction of stretch marks, rejuvenation of skin, treatment of pigmentation spots, increase in muscle volume, increase in number of muscle fibres and increase in muscle tonus; medical apparatus and instruments for the treatment of cellulite; therapeutic facial masks; facial toning machines for cosmetic use; electric stimulation and magnetic stimulation apparatus for physical therapy purposes for the treatment of nerve and muscle pain and elimination of muscular spasms; gynecological and urological apparatus and

Reg. No.	Mark	Reg. Date	First Use in Commerce or Priority Date	Goods / Services
				instruments, namely for genital rejuvenation, treatment sexual dysfunction, gynecological treatment and pelvic floor treatment. Class 44: Medical services; medical equipment rental; cosmetic and plastic surgery; beauty salons; liposuction services; medical removal of body cellulite.
5,572,801	EMSCULPT	Oct. 2, 2018	Sept. 29, 2017	Class 10: Medical apparatus and instruments for the treatment of cellulite; medical apparatus and instruments for body toning and body shaping; medical apparatus and instruments for the removal of fat, circumference reduction, tightening of skin, reduction of wrinkles, reduction of scars, reduction of stretch marks, rejuvenation of skin, and treatment of pigmentation spots; above medical apparatuses with exception for the treatment of the nasopharynx including inhalers and nasal irrigators; massage apparatus; medical apparatus and instruments for aesthetic skin treatment procedures;


Reg. No.	Mark	Reg. Date	First Use in Commerce or Priority Date	Goods / Services
				medical apparatus generating electromagnetic, magnetic, electrical, mechanical or thermal energy for use in skin treatment procedures; medical apparatus particularly apparatus for pain management, elimination of muscle spasms; gynaecological and urological apparatus and instruments, namely, for genital rejuvenation, treatment sexual dysfunction, gynecological treatment and pelvic floor treatment
6,069,279	EMSCULPT	June 2, 2020	Sept. 29, 2017	Class 44: medical services; gynecology services; medical equipment rental; cosmetic and plastic surgery; beauty salons; liposuction services; removal of body cellulite
5,915,636	EM	Nov. 19, 2019	Jan. 8, 2019	Class 10: physical therapy devices for treating muscle spasms and pain management; medical apparatus and instruments, in particular apparatus and instruments for the treatment of cellulite, apparatus and instruments for body toning and body shaping, and apparatus and instruments for the removal of fat,

Reg. No.	Mark	Reg. Date	First Use in Commerce or Priority Date	Goods / Services
				<p>circumference reduction; medical devices for use in treating gynecological disorders, pelvic area disorders, bladder disorders and incontinence.</p> <p>Class 44: health assessment services; medical services, namely, providing treatment for patients with gynecological disorders, pelvic area disorders, bladder disorders and incontinence; gynecological services; urology medical care services; rental of medical apparatus and equipment; cosmetic and plastic surgery; beauty salon services; liposuction and surgical body shaping services; medical services, namely, removal of body cellulite; physical therapy services.</p>
6,206,098	EM	Nov. 24, 2020	July 2018	<p>Class 10: physical therapy devices for treating muscle spasms and pain management; medical apparatus and instruments, in particular apparatus and instruments for the treatment of cellulite, apparatus and instruments for body toning and body shaping, and</p>

Reg. No.	Mark	Reg. Date	First Use in Commerce or Priority Date	Goods / Services
				<p>apparatus and instruments for the removal of fat, circumference reduction; medical devices for use in treating gynecological disorders, pelvic area disorders, bladder disorders and incontinence.</p> <p>Class 44: health assessment services; medical services, namely, providing treatment for patients with gynecological disorders, pelvic area disorders, bladder disorders and incontinence; gynecological services; urology medical care services; rental of medical apparatus and equipment; cosmetic and plastic surgery; beauty salon services; liposuction and surgical body shaping services; medical services, namely, removal of body cellulite; physical therapy services.</p>
6,373,947	EMSCULPT NEO	June 1, 2021	Oct. 17, 2020	<p>Class 10: medical apparatus and instruments for the treatment of cellulite; medical apparatus and instruments for body toning and body shaping; medical apparatus and instruments for the removal of fat,</p>

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Reg. No.	Mark	Reg. Date	First Use in Commerce or Priority Date	Goods / Services
				<p>circumference reduction, tightening of skin, reduction of wrinkles, reduction of scars, reduction of stretch marks, rejuvenation of skin, and treatment of pigmentation spots; medical apparatus and instruments for aesthetic skin treatment procedures; medical apparatus generating electromagnetic, magnetic, electrical, mechanical or thermal energy for use in skin treatment procedures; medical apparatus particularly apparatus for pain management, elimination of muscle spasms; gynecological and urological apparatus and instruments, namely, for genital rejuvenation, treatment of sexual dysfunction, gynecological treatment and pelvic floor treatment.</p> <p>Class 44: medical services; medical equipment rental; cosmetic and plastic surgery; beauty salons; liposuction services; medical services, namely, removal of body cellulite.</p>

Reg. No.	Mark	Reg. Date	First Use in Commerce or Priority Date	Goods / Services
4,750,101		June 9, 2015	Jan. 24, 2014	Class 10: physiotherapy apparatus in the nature of apparatus for electrotherapy, laser therapy, ultrasound therapy, magnetotherapy, and shockwave therapy, all for electrical nerve and muscle stimulation, infrared heat, wound healing, pain therapy, and treatment of inflammation; body rehabilitation apparatus for medical purposes; esthetic massage apparatus; hydrotherapy massage apparatus; medical and veterinary diagnostic apparatus and instruments, namely, electrocardiographs, heart monitors, spirometers, and blood pressure monitors; medical devices for nonsurgical cosmetic treatments; medical devices for body toning and body shaping, tightening of skin, treatment of skin laxity, wrinkles, rhytides, and cellulite, and fat removal; lymphatic drainage equipment, namely, massage apparatus and lasers for medical use.

1 7. The BTL Trademarks have been used exclusively and continuously by
2 BTL and have never been abandoned. The above U.S. registrations for BTL's
3 Trademarks are valid and subsisting in full force and effect.

4 8. The registrations for the BTL Trademarks constitute *prima facie*
5 evidence of their validity and of BTL's exclusive right to use the trademarks pursuant
6 to 15 U.S.C. § 1057(b).

7 9. BTL exclusively licenses patents claiming proprietary stimulation
8 technology and methods of treatment, which are embodied in BTL's aesthetic
9 equipment and treatment protocols, including the following valid and enforceable
10 patent:

- 11 • U.S. Patent No. 10,478,634, entitled "Aesthetic Method of Biological
12 Structure Treatment by Magnetic Field," which was duly and legally
13 issued by the U.S. Patent and Trademark Office on November 19, 2019
14 (the "**'634 Patent'**").

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16 10. BTL has not licensed or authorized Defendant to use any of the BTL
17 Trademarks or the '634 Patent.

18 11. BTL alleges that Defendant used a body-contouring aesthetic device that
19 infringed the '634 Patent and in connection with BTL Trademarks, and marks the
20 same or confusingly similar thereto, including "EMSLIM," "EMSLIM NEO," (the
21 "**Counterfeit EMSLIM Devices**") and "HIFEM."

22 12. BTL has not licensed or authorized Defendant to use devices that
23 infringe the '634 Patent, or use any of the BTL Trademarks or confusingly similar
24 versions thereof.

25 13. Defendant hereby waives any and all right to appeal from this Consent
26 Judgment and Permanent Injunction.

1 14. This Consent Judgment and Permanent Injunction constitutes a final
2 judgment on the merits of BTL's claims for purposes of *res judicata*, collateral
3 estoppel, issue preclusion, and claim preclusion.

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5 Therefore, JUDGMENT IS HEREBY ENTERED, upon consent of the Parties
6 hereto, in favor of BTL Industries, Inc. as follows:

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8 1. Pursuant to Fed. R. Civ. P. 65, IT IS HEREBY ORDERED that
9 Defendant, including any current officers, agents, employees, independent
10 contractors, representatives, successors in interest, and all other persons, firms, or
11 companies in active concert or participation with Defendant are permanently enjoined
12 and restrained from directly or indirectly:

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14 a. Using, or enabling others to use, the BTL Trademarks or any
15 reproductions, copies, colorable imitations, and confusingly
16 similar versions thereof, including but not limited to "EMSLIM,"
17 "EMSLIM NEO," and "HIFEM" in any manner in connection
18 with the promotion, marketing, advertising, offering for sale, or
19 sale of any device that is not a genuine BTL device, or any service
20 that is not a BTL service offered by a genuine new BTL device, or
21 a pre-owned BTL-recertified device;

22 b. committing any acts calculated to cause consumers to believe that
23 Defendant's devices or services are sold under the authorization,
24 control, or supervision of BTL, or are sponsored by, approved by,
25 or otherwise connected with BTL, including, but not limited to,
26 using BTL-owned promotional materials or BTL-sponsored
27 clinical study results to advertise, promote, offer for sale, or sell
28 such devices or services;

- 1 c. making, importing, using, offering to sell, or selling—without
2 BTL’s authorization—the Counterfeit EMSLIM Devices or any
3 magnetic body sculpting device not colorably different therefrom;
4 d. making, using, offering to sell—without BTL’s authorization—
5 any service implementing or utilizing the Counterfeit EMSLIM
6 Devices or any magnetic body sculpting device not colorably
7 different therefrom; and
8 g. encouraging, promoting, recommending, or instructing—without
9 BTL’s authorization—any third party to make, use, offer to sell,
10 or sell the Counterfeit EMSLIM Devices, any magnetic body
11 sculpting device not colorably different therefrom, any face
12 sculpting device not colorably different therefrom, or any services
13 related thereto.
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15 2. IT IS FURTHER HEREBY ORDERED that Defendant shall pay BTL
16 the total damages agreed upon by the Parties, which amount is subject to a
17 confidentiality clause.

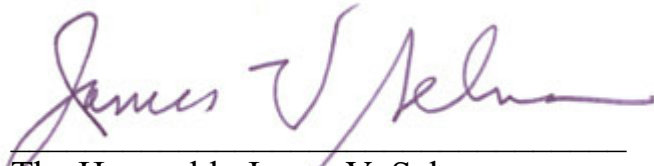
18 3. IT IS FURTHER HEREBY ORDERED that this Consent Judgment and
19 Permanent Injunction shall be binding upon and shall inure to the benefit of the Parties
20 and their respective successors, assigns, and acquiring companies.

21 4. IT IS FURTHER HEREBY ORDERED that the Court retains
22 jurisdiction of this matter for the purpose of enforcing the terms of this Consent
23 Judgment and Permanent Injunction.

24 5. IT IS FURTHER HEREBY ORDERED that the permanent injunction
25 shall remain in full force and effect unless and until modified by order of this court.
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1 6. IT IS FURTHER HEREBY ORDERED that all claims and demands in
2 the above-captioned matter are hereby dismissed without prejudice and without costs,
3 disbursements, or attorneys' fees to any party. This is a final order and judgment.

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5 IT IS SO ORDERED this 3d day of October 2025.

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10 _____
11 The Honorable James V. Selna
12 United States District Court Judge
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